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FOR PUBLIC AFFAIRS STAFF

PROGRAM ABC Nightline

STATION WJLA-TV
ABC Network

DATE April 28, 1983 11:30 P.M.

CITY Washington, D.C.

SUBJECT Government Secrecy

STEVE BELL: Now, turning to our next topic for tonight, government secrecy. It's been a problem for every American President in modern times. Presidents like to tell the public what's going on; they don't like other people in government doing it without their say-so. And they especially don't like what are called news leaks that can be damaging, in their eyes, to American policy or to them politically. President Reagan is only the latest American leader to get angry because of news leaks and to try to do something about it. Last month President Reagan laid down a new policy for government employees that has angered a lot of people, both inside and outside the government.

Here's a report from Nightline correspondent James Walker.

JAMES WALKER: Lost Angeles, California, March 31st. President Reagan answers questions about government secrecy.

PRESIDENT RONALD REAGAN: What we're trying to control is what seems to be the favorite game of Washington, even more popular than the Redskins, and that is leaks.

WALKER: News leaks, unauthorized disclosures. President Reagan, like all Presidents, has bristled at every news leak he's heard or read. But the final straw, the story White House officials say really infuriated Mr. Reagan was reported last February by ABC News Pentagon correspondent John McWethy.

JOHN MCWETHY: ABC News has learned that the United States has secretly deployed four early-warning AWACS planes to Egypt on short notice, and has rushed the aircraft carrier Nimitz and three escort ships from the coast of Lebanon to Libya.

WALKER: Convinced that McWethy's story had been leaked to him by someone working in this building, officials here at the Pentagon have once again begun administering lie-detector tests.

But that was only the beginning. On a Friday afternoon in March, President Reagan issued this new secrecy order that covers thousands of government employees. Some people believe that, outside of wartime, it's the most sweeping secrecy order in the nation's history. It gives department and agency heads the right to force lie-detector tests on employees suspected of leaking classified information to the press. But critics say the more frightening aspect of the Reagan order requires pre-publication review, or prior censorship, for every government employee who has access to special top secrets known as SCI, sensitive compartmented information, the kind produced by the CIA and the NSA, National Security Agency.

The Reagan secrecy order resulted, in part, from a U.S. Supreme Court decision involving former CIA agent Frank Snepp. Snepp wrote "Decent Interval," a book about the role of the agency in the final days of Vietnam. The court ruled that Snepp had violated his employment contract, which required that he first let the agency review his manuscript, even though the book contained no classified information. The order extends pre-publication review from the CIA and NSA to thousands of government workers in the State Department, Justice Department, Energy Department, Defense Department, Treasury Department, as well as to several executive agencies.

Justice Department lawyer Richard Willard, who wrote the new order, says it will stop news leaks, unauthorized disclosures.

RICHARD WILLARD: We can't give examples of specific disclosures because that would make the damage even worse. It would confirm the accuracy of whatever information was disclosed.

WALKER: How many times has that happened?

WILLARD: That has happened frequently, but I cannot...

WALKER: Twenty, 30, 40 times?

WILLARD: Yeah...

WALKER: Fifty times a month? I mean -- 50 times a year?

WILLARD: Over the last decade, I'm sure that that has happened more than a handful of times. I can't -- I don't even know.

WALKER: Willard says the secrecy order is not designed to stop whistle-blowers.

WILLARD: The President's executive order on classification provides that classification cannot be used to cover up mismanagement, wrongdoing, or embarrassing information.

WALKER: That, however, was not the experience of former CIA agent Victor Marchetti, who coauthored "The CIA and the Cult of Intelligence." The blank sections were deleted by CIA censors in 1973, who said they contained secret information. Since then, many of the deleted sections have been restored.

Page 145, deleted 1973, restored December 6th, 1982. Referring to former CIA Director John McCone, Marchetti wrote, "He insisted that the agency's rather austere executive suite be completely rebuilt. His offices and those of his Deputy Director were enlarged, paneled in wood, and impressively furnished. He demanded and received a limousine."

VICTOR MARCHETTI: Let the public be the judge if there was anything really secret about that, or, certainly, if there was anything harmful to the national security.

WALKER: Page 44, bottom, deleted 1973, restored July 1982, after the Shah of Iran died. Referring to close CIA ties with some heads of state, Marchetti wrote, "A notable example of such a special relationship is Iran, where a CIA-organized coup d'etat restored the Shah to power in 1953."

MARCHETTI: The reason for secrecy is not to keep the enemy from knowing what's going on. The enemy knows what's going on. The purpose for secrecy is to keep the American public uninformed.

WALKER: And what government employees talk about or write about, be they former officials or bureaucratic whistle-blowers, might now have to first be approved by censors.

Ironically, the secrecy order means that any would-be memoir writers from this Administration, up to and including members of the Cabinet, would have to submit their manuscripts for review, possibly by an official of another Administration, maybe even a Democratic one. And the sweeping Reagan order covers everyone with access to the nation's most important secrets. Everyone, that is, except Vice President Bush and President Reagan.

BELL: When we return we'll talk to the Justice Department official who helped create the new secrecy rule and with two authors who've come in conflict with the Federal

Government because of the information they disclosed.

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BELL: Controversy over government secrecy did not begin with President Reagan's new rule. A former CIA agent named Frank Snepp wrote a book about U.S. officials in Vietnam that angered the government so much, all of his income from the book has been confiscated. Frank Snepp is with us tonight here in our Washington Bureau.

Investigative writer James Bamford wrote a book about the National Security Agency that led the government to declare retroactively that materials he used in the book were top secret. James Bamford is joining us from station WGBH in Boston.

Also with us here in our Washington bureau tonight, Richard Willard, the Justice Department official who framed the Reagan Administration's new secrecy rules.

Gentlemen, good evening.

Mr. Willard, first of all, classified information. Hasn't it always been protected? Hasn't it always been illegal to give out classified information? Why new regulations?

WILLARD: It has been a violation of a number of laws to disclose classified information, but these laws have not been very effectively enforced in recent years. I think everyone is aware of the fact that it's been hard for our government to keep a secret, even things that ought to be kept secret.

BELL: Now, you said earlier that you can't give any examples of something that was revealed because that would be proving that it was right. But can't you give us a hypothetical example, or something, so that we at least know what we're talking about here?

WILLARD: Sure. A hypothetical example would be someone leaks a piece of intelligence that we have that there are 100 B-15 airplanes in Patagonia. That, in and of itself, may be damaging because it may be something the other side doesn't know. More important, though, it could tell our adversaries how we got the information, possibly endangering the life of a human agent, or, more likely, causing us to have an expensive technical collection system become obsolete.

BELL: James Bamford, author of "The Puzzle Palace." What's your review or your response to Mr. Willard?

JAMES BAMFORD: Well, the issue with my book, I think,

goes beyond what Mr. Willard is talking about. The issue with my book, "The Puzzle Palace," is my book is based on open research. It's research that I obtained through open shelves in public libraries and through the Freedom of Information Act. And this information is now, I guess, the new frontier of classification within the Reagan Administration.

BELL: You're suggesting that the information that you got off the public record that was not classified at the time is now being retroactively classified.

BAMFORD: That's right. Currently, just within the past few weeks, the NSA has gone down to one of the libraries I used for research and asked the librarian what materials I've used. And they actually stated to the librarian that the visit was part of a systematic effort to track down and, if necessary, remove from public circulation research materials [unintelligible] materials which were used by Mr. Bamford.

BELL: Mr. Willard, you say that you're not abusing the privileges that would be granted to you by the regulations as they exist. How can there be any sense in retroactive classification of material that's already in his book?

WILLARD: The question is whether the material should be classified or not. I'm not aware of what information is contained in open shelves of libraries. But I know that government officials frequently make mistakes. If a mistake has been made and information put in the library that shouldn't be there, then I think the government has the right to protect it. Obviously, if it's something that has already appeared in Mr. Bamford's book, then little purpose would be served in trying to protect that particular kind of information.

BELL: Mr. Snepp, your experience, Frank Snepp, has certainly been different from the others involved here. You were a CIA agent. You were a top analyst in Saigon. You were very disillusioned by the way the CIA, the American government treated the South Vietnamese who, in some cases, were friends of yours. Yet you had taken the oath. You didn't reveal any big classified secrets. You tried hard not to. Why didn't you submit if for review, as the law says?

FRANK SNEPP: The most important reason I didn't submit my book for review is that I didn't believe that I was obligated to do so. I signed six different secrecy agreements in the course of my CIA career. And only recently, since the lawsuit against me, has the CIA begun to make uniform these secrecy agreements and make them comprehensible to the layman. I wasn't a lawyer and I didn't appreciate fully all the ramifications of the secrecy agreement.

But more to the point, another influence which was operative at the time I began writing was the government's own abuse of secrecy, its own failure to observe secrecty itself. When I was in Saigon during the evacuation, I saw the CIA abandon agents, secrets; and in the aftermath, leak secret information in an effort to whitewash its activities in Vietnam. And I thought that was an abuse of secrecy. I think we are also continuing to see that sort of thing today.

BELL: Let me ask both you and Mr. Bamford. Aren't we talking here about who has the right to say what is secret and what isn't? And doesn't that raise the question, how do you, as private citizens, one a former CIA agent, justify making the decision yourself, as opposed to having your government make it for you? Either of you.

SNEPP: That's not the issue at all. The government likes to frame the issue in those terms. When you're in the Central Intelligence Agency or the National Security Agency, you are trained to recognize secrets when you come across them. And I don't think you need Big Brother looking over your shoulder. I don't think you need the government censoring your writings in order to insure that secrets are not told. You can censor yourself. I was very well qualified and trained and practiced in doing this.

BELL: Mr. Bamford, you have not been a CIA agent. What was your justification?

BAMFORD: Well, my justification was that when I set out to do the research for my book on the NSA, which took three years, I was going to use two sources for it: documents in the public domain and through the Freedom of Information Act, and interviews with former employees. And I made it clear in the interviews that I was only interested in unclassified information. The documents I used were either released to me by the government or else were materials I obtained that anybody else can obtain in any library.

I think there's a major problem here, in that the government is more or less crying wolf on a large of these secrecy claims, and that defeats their purpose. And later on, when they want to really claim something is secret, somebody will point back and say, "Well, you declared that having a limousine at the CIA was a secret. So why should I believe that this is going to be secret?" I think that's a problem.

BELL: Mr. Willard, why don't we ask you to answer question?

WILLARD: Obviously...

BELL: In retrospect -- I mean this is rather recent activity, limousines, plush offices. Secrets?

WILLARD: That information, obviously, should not have ever been classified. It was not properly classified, under the executive order...

BELL: But what's the protection now? In the brief seconds we have left.

WILLARD: The protection we have is, under the Freedom of Information Act, people can get judicial review to determine whether something is properly classified or not. That's the established and legal procedure. That's the procedure Mr. Snepp should have followed if he thought CIA was improperly trying to keep something secret.

BELL: Gentlemen, thank you very much for joining us tonight.